

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the specification, paragraphs have been amended on pages 1 and 8 to correct typographical errors.

Claim 1 is requested to be cancelled. Claims 2, 7, 13, and 14 are currently being amended. No claims are being added. After amending the claims as set forth above, claims 2-14 are now pending in this application. No new matter was added.

Claim 1 was objected to because of informalities. Claim 1 has been cancelled and limitations from claim 1 have been incorporated into claim 2. Claim 2 has been amended to recite “supplies minimum gas including oxygen required for maintaining a temperature of said carbon monoxide removing reactor¹ to said carbon monoxide removing reactor” according to the examiner’s helpful suggestion to overcome the objection.

Claims 1, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motozono et al. (US 6,638,652) in view of Benz et al. (US 6,676,907). This rejection is respectfully traversed.

Applicant appreciates the indication that claims 2-12 would be allowed if rewritten in independent form. In response, claim 2 has been substantially rewritten in independent form.² Furthermore, the recitation from allowable claim 2 of supplying minimum gas including

¹ The term “is supplied” suggested by the examiner was not included in claim 2 to avoid redundancy because the respective clause in claim 2 begins with the term “supplies”.

² Paragraph 4 of claim 2 which begins with the term “a fuel-cell” differs from the respective paragraph in claim 1. Specifically, this paragraph has been written to clarify that the reformed gas passes through the CO removing reactor, and that this reformed gas and a gas including oxygen (i.e., oxidizer) are then supplied to the fuel cell. Claim 14 has been amended in a similar way. Support for this wording is found in Figure 1 and on pages 8-10 of the specification.

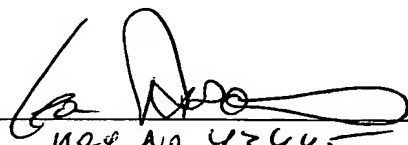
oxygen required for maintaining temperature of a combustor has been incorporated into independent claims 13³ and 14. Thus, applicant submits that claims 13 and 14 are also in condition for allowance at least for the same reason as allowable claim 2.

Applicant notes that reference A2 (EP published application 773,131 A1) was crossed out and reference A5 was not initialed by the examiner on form PTO-1449 submitted with an IDS on January 25, 2002. Applicant notes that reference A2 was cited on the PCT search report dated 10/4/01 which was submitted with the IDS. Therefore, even though reference A2 is written in a language other than English, the USPTO should consider this reference because its relevance is provided on the PCT search report. See MPEP 609. Applicant also notes that page 4 of the PCT search report indicates that US Patent No. 5,877,600 (reference A1 on the PTO-1449) is part of the same patent family as reference A2 (i.e., EP 773,131 A1). Applicant respectfully requests that the examiner consider reference A2 and initial references A2 and A5 on form PTO-1449 submitted with the next office action.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 5/27/04

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

³ Method claim 13 has also been amended to reword each paragraph in terms of active method steps.